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NO. CR51328

FILE

2018 SEP 17 PM 3:09

STATE OF TEXAS

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IN THE DISTRICT COURT OF

§

VS.

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MIDLAND COUNTY, TEXAS

§

SEBASTIAN ZAPATA

§

385<sup>th</sup> JUDICIAL DISTRICT

DEPUTY

DEFENDANT'S FOURTH MOTION IN LIMINE - PROSECUTION WITNESS TESTIFYING  
WHETHER DEFENDANT WAS TELLING THE TRUTH

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW the Defendant, SEBASTIAN ZAPATA, in the above entitled and numbered cause, by and through his attorney of record, Thomas S. Morgan, and before jury selection commences and moves the Court in limine to instruct counsel for the State of Texas, and all witnesses for the State of Texas, not to mention, refer to, interrogate concerning, or bring to the attention of the jury or the venire in any manner, directly or indirectly, evidence that the prosecution witness testifying whether defendant was telling the truth, without first giving the Defendant opportunity to perfect her objections to such evidence. Specifically, the Defendant moves that the State be instructed to inform counsel for the Defendant, outside the hearing of the jury, that the State intends to introduce such evidence so that the Defendant may present her objections to such evidence outside the hearing of the jury.

As reason for such motion the Defendant would show the Court that evidence may exist that the Defendant has committed offenses other than that alleged in the complaint herein. The fact of such offense, if it is a fact, is wholly irrelevant to any issue in this cause, and if admitted before the jury would be grossly prejudicial as not to be curable by instruction, and would necessitate a mistrial.



Respectfully submitted,

Thomas S. Morgan  
Attorney At Law  
1902 W. Illinois  
Midland, Texas 79701  
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Attorney for Defendant

By: Thomas S. Morgan  
Thomas S. Morgan  
State Bar No. 14452500

CERTIFICATE OF SERVICE

I, Thomas S. Morgan, hereby certify that on the 17 day of September, 2018, a true and correct copy of the foregoing Defendant's Fourth Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth was hand delivered to the Midland District Attorney, Midland County Courthouse.

Thomas S. Morgan  
Thomas S. Morgan

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STATE OF TEXAS

VS.

SEBASTIAN ZAPATA

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IN THE DISTRICT COURT OF

MIDLAND COUNTY, TEXAS

385<sup>th</sup> JUDICIAL DISTRICT

ORDER ON DEFENDANT'S FOURTH MOTION IN LIMINE - PROSECUTION WITNESS

TESTIFYING WHETHER DEFENDANT WAS TELLING THE TRUTH

After considering the foregoing Defendant's First Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth, including evidence and argument of counsel, the Court finds that the Motion should, in all things, be granted.

IT IS THEREFORE ORDERED that the Defendant's Fourth Motion In Limine - Prosecution Witness Testifying Whether Defendant was Telling the Truth, be and is hereby GRANTED.

SIGNED there the \_\_\_\_ day of \_\_\_\_\_, 2018.

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JUDGE PRESIDING